

## **REMARKS**

By this paper, Applicant has amended Claim 24. Hence, Claims 1-48 are pending in this application. Applicant respectfully requests entry of the foregoing amendment and following remarks.

### **Claim Rejections under 35 U.S.C. 103(a)**

Claims 1-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan (U.S. Patent App. Pub. No. 2003/0029975), Simon (U.S. Patent App. Pub. No. 2001/0027560 A1), and Schlattmann (U.S. Patent No. 6,298,942). Applicant respectfully submits that Claims 1-48 are allowable over the prior art of record as discussed below.

### **Independent Claims**

Independent Claim 1 recites, *inter alia*, “a plurality of audio-visual modules; [and] a rail configured to ... receive each of the modules.” Independent Claim 2 recites, *inter alia*, “at least one audio-visual module; and a rail ... configured to receive the module at a plurality of locations along the rail.” Amended independent Claim 24 recites, *inter alia*, a method comprising “connecting an audio-visual component to the rail, ... wherein the rail is configured to receive the audio-visual component at a plurality of locations along the rail.” Independent Claim 26 recites, *inter alia*, “at least two audio-visual modules comprising loudspeakers; [and] a rail ... configured to receive the modules.” Independent Claim 33 recites, *inter alia*, “a rail having mounting locations for audio-visual components” and “means for connecting an audio-visual component to multiple locations on the rail.” Independent Claim 35 recites, *inter alia*, “a plurality of audio-visual-modules; [and] a rail ... wherein each of the modules is configured to be attached to the rail.” Applicant respectfully submits that the applied prior art does not disclose at least these features.

In rejecting Claim 1, the Examiner states that Cowan discloses “a rail ... configured to receive each of the modules at a respective one of a plurality of coupling points along the rail (fig. 4; 6(18); par [0025, 0029]/the bracket to support the audio modules).” *Office Action*, p. 3-4. Applicant respectfully disagrees that Cowan discloses this feature as discussed herein.

Cowan discloses that “[t]he speaker and mounting bracket arrangement of this invention permits a single speaker employing a single mounting bracket to be utilized to achieve all of the various positions and orientations shown in FIG. 1.” ([Para. 0022]). Therefore, Cowan is specifically directed to a bracket for mounting a single speaker. Cowan does not disclose a bracket designed to fit a plurality of modules.

Further, it would not be obvious to modify the bracket of Cowan to fit a plurality of modules. In particular, Cowan discloses several advantages of the bracket design that would not be applicable to a bracket designed to hold a plurality of modules. For example, Cowan describes the limitations of current brackets stating they are “not well designed from an aesthetic standpoint” and that “the brackets [are] substantially visible for the mounted loudspeaker.” (Para. [0005]). Cowan therefore describes a “universal surface mounted loudspeaker which includes an enclosure in which loudspeaker components are mounted ... and a bracket sized to fit substantially flush in a corresponding recess formed in a rear portion of the enclosure.” (Para. [0008]). Therefore, Cowan specifically discloses a bracket for holding a single loudspeaker, where the bracket fits into a recess of the enclosure of the loudspeaker such that the bracket is not visible. It is unclear how a bracket designed to fully fit in the recess of a single loudspeaker could hold additional modules as the bracket has no further attachment points. Further, for similar reasons, it is unclear how the bracket designed to fully fit in the recess could have additional attachment points while still remaining aesthetically pleasing. If the bracket were modified to hold a plurality of loudspeakers, there would have to be attachment points for each of the loudspeakers. These attachment points would then be visible when the single loudspeaker was attached to the bracket, which would defeat the purpose of the Cowan design. Further, it is unclear how that bracket could be designed to hold multiple modules while still allowing the speaker “to achieve all of the various positions and orientations,” as is the purpose of Cowan. Accordingly, Cowan does not disclose the features of the independent claims.

#### **Dependent Claims**

Claims 3-23, 25, 27-32, 34, and 36-48 each depend from one of independent Claims 1, 2, 24, 26, 33, or 35, and further define additional features. In view of the patentability of their base

**Application No.:** 10/786,576  
**Filing Date:** February 24, 2004

claim, and in further view of the additional features, Applicant respectfully submits that the dependent Claims 3-23, 25, 27-32, 34, and 36-48 are patentable over the applied prior art.

**No Disclaimers or Disavowals**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein.

Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the apparatuses/methods recited by the pending claims.

**Application No.:** 10/786,576  
**Filing Date:** February 24, 2004


The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 9/10/10

By:   
James F. Herkenhoff  
Registration No. 51,241  
Attorney of Record  
Customer No. 20,995  
(858) 836-9000

9652615